

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FLORIDA CABLE
TELECOMMUNICATIONS ASSOCIATION,
INC., COX COMMUNICATIONS GULF
COAST, L.L.C., *et. al.*

Complainants,

v.

GULF POWER COMPANY,

Respondent.

RECEIVED

FEB 28 2005

Federal Communications Commission
Office of Secretary

E.B. Docket No. 04-381

To: Office of the Secretary

DOCKET FILE COPY ORIGINAL

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

**COMPLAINANTS' STATEMENT THAT ALL NECESSARY
CABLE COMPANIES ARE PARTIES TO THE CASE**

The Florida Cable Telecommunications Association, Inc., Cox Communications Gulf Coast, L.L.C., Comcast Cablevision of Panama City, Inc., Mediacom Southeast, L.L.C., and Bright House Networks, L.L.C. ("Complainants") hereby respectfully submit this Statement That All Necessary Cable Companies Are Parties to the Case, pursuant to Chief Administrative Law Judge Sippel's Order, released February 2, 2005 ("Order").¹ As described further below, the only Florida Cable Telecommunications Association ("FCTA") members with attachments to Gulf Power poles are already named as Complainants in this proceeding and Gulf Power has failed to present any additional or contradictory information to rebut this understanding.

¹ *In re Florida Cable Telecommunications Ass'n, Inc., et al. v. Gulf Power Co.*, Order, EB Docket No. 04-381, FCC 05M-03 (rel. Feb. 2, 2005) (hereinafter "Order").

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During the discussion of Gulf Power's first agenda item at the January 31, 2005 Prehearing Conference, counsel for Complainants represented that the FCTA members with attachments to Gulf Power poles had been named as Complainants in the case. Specifically, Complainants' counsel explained that the Time Warner cable systems with attachments on Gulf Power poles (at issue in the underlying proceeding before the Enforcement Bureau) had been transferred to Bright House Networks, L.L.C., a named Complainant, and that Adelphia, to its knowledge, maintains no attachments on Gulf Power poles. Judge Sippel's Order directed that the parties file a "statement that all necessary cable companies are complainants to the case" no later than February 28th.²

On February 7, 2005, Complainants' counsel sent a letter to counsel for Gulf Power Company ("Gulf Power" or "Respondent") reiterating the above information and explaining that they had confirmed with Adelphia that it does not have attachments on Gulf Power poles. The February 7th letter asked that counsel for Gulf Power respond as soon as possible if they had any conflicting information or records showing that there were FCTA members attached to Gulf Power poles who were not named as Complainants. Complainants' counsel received no response.

On February 25, 2005, Complainants' counsel sent an email reminding Gulf Power's counsel of the February 28th filing deadline and explaining that it had received no information to contradict their understanding that all cable operators attached to Gulf Power's poles were already named as Complainants. Complainants' counsel again received no substantive response from Gulf Power's counsel.

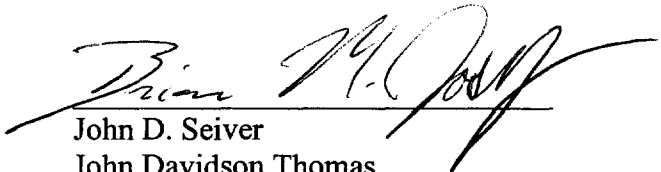
Finally, on February 28, 2005, Complainants' counsel sent an email advising Gulf Power's counsel that Complainants would file a separate statement with Judge Sippel because they had

² See Order at 2.

received no confirmation or other information concerning the accuracy of the named cable operator Complainants.³

Accordingly, Complainants maintain that all FCTA members with attachments to Gulf Power poles are already named as parties to this proceeding.

Respectfully submitted,



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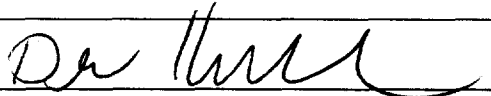
February 28, 2005

³ On the afternoon of February 28th, Brian Josef, counsel for Complainants contacted Ralph Peterson, counsel for Gulf Power, by telephone. Mr. Peterson indicated that Gulf Power had questions concerning name changes and assignments of pole attachment agreements involving a former Adelphia subsidiary, Time Warner and Bright House Networks. Mr. Peterson acknowledged that the matters could not be resolved before the Statement filing deadline and indicated that Gulf Power may seek to file separate comments at a later date.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Complainants' Statement That All Necessary Cable Companies Are Parties to the Case has been served upon the following by telecopier and U.S. Mail on this the 28th day of February, 2005:

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